

REFERENCE TITLE: children's health insurance program; parents

State of Arizona
Senate
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2006

SB 1519

Introduced by

Senators Allen, Cannell, Garcia; Representatives Aguirre A, Burns J, Burton Cahill, Lopez L, Meza, O'Halleran, Quelland; Senators Arzberger, Hellon; Representatives Gallardo, Konopnicki, Rios P

AN ACT

AMENDING TITLE 36, CHAPTER 29, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-2981.01; AMENDING SECTION 36-2983, ARIZONA REVISED STATUTES; MAKING AN APPROPRIATION; RELATING TO THE CHILDREN'S HEALTH INSURANCE PROGRAM.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 36, chapter 29, article 4, Arizona Revised Statutes,
3 is amended by adding section 36-2981.01, to read:

4 36-2981.01. Children's health insurance program; eligibility

5 A. SUBJECT TO THE AVAILABILITY OF MONIES, A PARENT OF A CHILD WHO IS
6 ELIGIBLE FOR OR ENROLLED IN THE CHILDREN'S HEALTH INSURANCE PROGRAM OR A
7 PARENT WHO HAS A CHILD ENROLLED UNDER ARTICLE 1 OF THIS CHAPTER BUT WHO WOULD
8 BE ELIGIBLE FOR THE CHILDREN'S HEALTH INSURANCE PROGRAM MAY APPLY FOR
9 ELIGIBILITY BASED ON AN INCOME THAT DOES NOT EXCEED TWO HUNDRED PER CENT OF
10 THE FEDERAL POVERTY GUIDELINES.

11 B. IN DETERMINING ELIGIBILITY PURSUANT TO SUBSECTION A, THE
12 ADMINISTRATION SHALL ALSO APPLY ELIGIBILITY REQUIREMENTS PRESCRIBED IN RULES
13 ADOPTED BY THE ADMINISTRATION. IF THE PARENT IS DETERMINED ELIGIBLE PURSUANT
14 TO THIS SECTION, ALL OTHER REQUIREMENTS THAT ARE PRESCRIBED BY THE
15 ADMINISTRATION BY RULE AND THAT RELATE TO THIS ARTICLE, INCLUDING PREMIUM
16 PAYMENT REQUIREMENTS AND AVAILABLE SERVICES, ALSO APPLY.

17 Sec. 2. Section 36-2983, Arizona Revised Statutes, is amended to read:

18 36-2983. Eligibility for the program

19 A. The administration shall establish a streamlined eligibility
20 process for applicants to the program and shall issue a certificate of
21 eligibility at the time eligibility for the program is determined.
22 Eligibility shall be based on gross household income for a member as defined
23 in section 36-2981. THE ADMINISTRATION SHALL ALSO ESTABLISH A STREAMLINED
24 ELIGIBILITY PROCESS FOR PARENTS OF CHILDREN WHO ARE ENROLLED PURSUANT TO
25 SECTION 36-2981.01. THE ADMINISTRATION SHALL BASE ELIGIBILITY FOR A PARENT
26 WHO HAS A CHILD ENROLLED PURSUANT TO ARTICLE 1 OF THIS CHAPTER BUT WHO IS
27 ELIGIBLE PURSUANT TO SECTION 36-2981.01 ON REQUIREMENTS PRESCRIBED BY THE
28 ADMINISTRATION. The administration shall not apply a resource test in the
29 eligibility determination or redetermination process.

30 B. The administration shall use a simplified eligibility form that may
31 be mailed to the administration. Once a completed application is received,
32 including adequate verification of income, the administration shall expedite
33 the eligibility determination and enrollment on a prospective basis.

34 C. The date of eligibility is the first day of the month following a
35 determination of eligibility if the decision is made by the twenty-fifth day
36 of the month. A person who is determined eligible for the program after the
37 twenty-fifth day of the month is eligible for the program the first day of
38 the second month following the determination of eligibility.

39 D. An applicant for the program who appears to be eligible pursuant to
40 section 36-2901, paragraph 6, subdivision (a) shall have a social security
41 number or shall apply for a social security number within thirty days after
42 the applicant submits an application for the program.

1 E. In order to be eligible for the program, a person shall be a
2 resident of this state and shall meet title XIX requirements for United
3 States citizenship or qualified alien status in the manner prescribed in
4 section 36-2903.03.

5 F. In determining the eligibility for all qualified aliens pursuant to
6 this article, the income and resources of a person who executed an affidavit
7 of support pursuant to section 213A of the immigration and nationality act on
8 behalf of the qualified alien and the income and resources of the spouse, if
9 any, of the sponsoring individual shall be counted at the time of application
10 and for the redetermination of eligibility for the duration of the
11 attribution period as specified in federal law.

12 G. Pursuant to federal law, a person is not eligible for the program
13 if that person is:

14 1. Eligible for title XIX or other federally operated or financed
15 health care insurance programs, except the Indian health service. **THIS**
PARAGRAPH DOES NOT APPLY TO A PERSON WHO IS ELIGIBLE PURSUANT TO SECTION
36-2981.01.

18 2. Covered by any group health plan or other health insurance coverage
19 as defined in section 2791 of the public health service act. **Group health**
plan or other health insurance coverage does not include coverage to persons
who are defined as eligible pursuant to the premium sharing program.

22 3. A member of a family that is eligible for health benefits coverage
23 under a state health benefit plan based on a family member's employment with
24 a public agency in this state.

25 4. An inmate of a public institution or a patient in an institution
26 for mental diseases. This paragraph does not apply to services furnished in
27 a state operated mental hospital or to residential or other twenty-four hour
28 therapeutically planned structured services.

29 H. A child who is covered under an employer's group health insurance
30 plan or through family or individual health care coverage shall not be
31 enrolled in the program. If the health insurance coverage is voluntarily
32 discontinued for any reason, except for the loss of health insurance due to
33 loss of employment or other involuntary reason, the child is not eligible for
34 the program for a period of three months from the date that the health care
35 coverage was discontinued. The administration may waive the three month
36 period for any child who is seriously or chronically ill. For the purposes
37 of the waiver, "chronically ill" means a medical condition that requires
38 frequent and ongoing treatment and that if not properly treated will
39 seriously affect the child's overall health. The administration shall
40 establish rules to further define conditions that constitute a serious or
41 chronic illness.

42 I. Pursuant to federal law, a private insurer, as defined by the
43 secretary of the United States department of health and human services, shall
44 not limit enrollment by contract or any other means based on the presumption
45 that a child may be eligible for the program.

1 Sec. 3. Appropriation: purpose: exemption

2 A. The sum of \$58,863,000 is appropriated to the Arizona health care
3 cost containment system for purposes of this act from the following sources
4 and in the following amounts:

5 1. \$10,521,200 from the state general fund.

6 2. \$48,341,800 from the children's health insurance program fund
7 established by section 36-2995, Arizona Revised Statutes.

8 B. The appropriation made in subsection A of this section is exempt
9 from the provisions of section 35-190, Arizona Revised Statutes, relating to
10 lapsing of appropriations.

11 Sec. 4. Emergency

12 This act is an emergency measure that is necessary to preserve the
13 public peace, health or safety and is operative immediately as provided by
14 law.